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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THE 30TH DAY OF MAY 1998

BEFORE

THE HON'BLE MR. JUSTICE K.H.N. KURANGA

CIVIL REVISION PETITION NO.98/1998

1. Srinivasa S/o

Venkatekrishna Bhatta

aged 68 years, Hosodi

Village, Nidige Hobli,

Shimoga Taluk.

..PETITIONER.

(By Sri. Mohandas N. Hegde, Adv. for Petr.)

-Vs-

1. Ambika Saw Mills and

Wood Industries, By

Prop: N.S. Patel & Sons

Timber Merchants, Sagar

Road, Shimoga City.

2. State of Karnataka

represented by Chief

Secretary, Vidhana Soudha,

Bangalore-560 001.

3. Chief Conservator of Forests

(General) Aranya Bhavan,

Malleswaram, Govt. of
Karnataka, Bangalore-560 003.

4. District Forest Officer
Shimoga Division, Shimoga. ..RESPONDENTS.

(By Sri. M.N. Ramanjaneya Gowda, HCGP for R-2, R-4)

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Civil Revision Petition is filed U/s 115
of CPC against the order dated 22.11.1997 passed
in O.S.NO.687/1989 on the file of the Civil
Judge (Jr.Dn.) Shimoga.

This Civil Revision Petition coming on
for ORDERS this day, the Court made the
following:-

ORDER

The petitioner-plaintiff has, in this petition,
challenged the order dated 22nd November 1997 made
in Original Suit No.687 of 1989 on the file of
the Civil Judge, Junior Division, Shimoga
transferring the suit to the Court of the Civil
Judge, Senior Division, Shimoga.

The petitioner filed the suit claim for
recovery of Rs.25,000/- with interest and costs.
Defendants filed the written statement wherein

they made counter-claim for Rs.59,874-50 ps with interest at the rate of 18 per cent per annum. Without noticing the counter-claim, the learned Civil Judge transferred the suit to the Principal Civil Judge, Junior Division, Shimoga. The Civil Judge, Junior Division, Shimoga held that in view of the counter-claim the amount exceeds the pecuniary jurisdiction of the Court and accordingly, sent back the file to the Civil Judge. In view of the counter-claim made by the defendants, the order passed by the court below is just and proper.

In the circumstances, the C.R.P. filed by the petitioner is not maintainable and accordingly, it is dismissed.

Sd/-

JUDGE.

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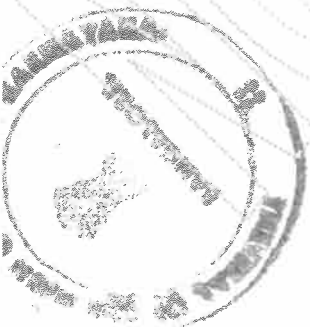
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Assistant Registrar
High Court of Karnataka
Bangalore-560 001

30/6/98



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